

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61722 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- KHUTAUNA District- Madhubani

Md Saddam Son of Md. Gaffar Resident of Village - Nahri, Police Station -
Laukaha, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Khutauna P.S. Case No. 100 of 2025 instituted for the offences
under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023
and Section 78 of the J.J. Act.

3. Prosecution case, in short, is that on the alleged date
and time, 3-4 persons were stealing generator parts, computer
parts, battery, bench, desk and other things from the building of
Plus Two High School, Khatana. In the meantime, the informant
reached the spot but the accused managed to flee away. The
informant came to know by the local people that the petitioner
along with three other accused persons was involved in the



alleged occurrence.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner rather the recovery of the stolen articles has been made from an open place accessible to public at large. Learned counsel further submitted that T.I.P. has not been conducted till date. The petitioner has been named merely on the basis of suspicion. Learned counsel further submitted that one of the co-accused is Kanhaiya Kumar who is minor. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.06.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of



Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khutauna P.S. Case No. 100 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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